UNITED NATIONS

A

General Assembly

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A/INF/45/6
18 October 1990
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Forty-fifth session

COMMUNICATIONS RECEIVED RELATING TO GENERAL ASSEMBLY MATTERS

No.	Date	Type	Author and geographical origin
	Item 32. The situation in Cambodia		
1.	6 November 1989	Letter	Building Workers Industrial Union of Australia, Newcastle, New South Wales, Australia
2.	14 November 1989	Letter	Greater Manchester and District Campaign for Nuclear Disarmament, Manchester, United Kingdom of Great Britain and Northern Ireland
3.	15 November 1989	Letter	World Disarmament Campaign, London, United Kingdom of Great Britain and Northern Ireland
4.	20 January 1990	Letter	Britain Vietnam Association, London, United Kingdom of Grea. Britain and Northern Ireland
5.	26 January 1990	Letter	Association khmère pour l'action nationale, Montreal, Quebec, Canada
6.	28 January 1990	Letter	Cambodian-American Associations, Washington, D.C., United States of America
7.	2 and 14 February 1990	Letters	Cambodian Network Council, San Antonio, Texas, United States of America

best copy available

No.	Date	Type	Author and geographical origin
8.	5 February 1990	Telegram	Cambodian Network Council, Cambodian Appeal and Khmer Survivors Association, Washington, D.C., United States of America
9.	6 March 1990	Letter	Kampuchean Association of Olympia, Olympia, West Virginia, United States of America
10.	10 March 1990	Letter	Federation of Khmer Serei, San Leandro, California, United States of America
11.	14 March and 12 and 24 April 1990	Letters	Union des Khmers libres, Choisy le Roi, Val-de-Marne, France
12.	18 September 1990	Letter	Rassemblement pour la libération du Cambodge, Noisiel, Seine-et-Marne, France
13.	24 September 1990	Letter	Khmer Conscience, San Jose, California, United States of America
14.	4 October 1990	Letter	National Cambodia Freedom Organization, San Jose, California, United States of America

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General Assembly

Distr.
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A/INF/45/7
29 November 1990

ORIGINAL: ENGLISH

Forty-fifth session

UNITED NATIONS ADMINISTRATIVE TRIBUNAL

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

READEX
FICHE

ANNEX

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with this decision, the following note is submitted in respect of the year 1990.

I. APPOINTMENT OF MEMBERS OF THE TRIBUNAL BY THE GENERAL ASSEMBLY

2. At its 83rd plenary meeting, on 19 December 1989, the General Assembly, on the recommendation of the Fifth Committee (see A/44/843), appointed Mr. Jerome Ackerman and Mr. Arnold Wilfred Geoffrey Kean as members of the United Nations Administrative Tribunal for a three-year term of office beginning on 1 January 1990.

II. COMPOSITION OF THE TRIBUNAL DURING 1990

3. In 1990, the Tribunal was composed of the following members:

Mr. Roger Pinto, President
Mr. Jerome Ackerman, First Vice-President
Mr. Ahmed Osman, Second Vice-President
Mr. Samar Sen
Mr. Arnold Kean
Mr. Francisco A. Forteza
Mr. Ioan Voicu

III. FORTY-FIRST PLENARY SESSION

4. The Tribunal met in annual plenary session in New York on 9 November 1990, pursuant to article 5, paragraph 1, of its rules. All members were present.

IV. JUDGEMENTS DELIVERED DURING 1990

5. In 1990, the Tribunal held two panel sessions, one at Geneva from 23 April to 25 May, and one in New York from 8 October to 9 November. The composition of the panels and the corresponding judgements rendered are as follows:

Case No. 471: Cosh

(Cosh against the Secretary-General of the International Maritime Organization (IMO))
(Claim by former IMO staff member whose appointment as a project adviser was not extended, that the Secretary-General was consistently unfair to him and discriminated in favour of another staff member who eventually replaced him and further claim that his wife was entitled to a family visit to the field during the course of his employment)
Judgement AT/DEC/474

Geneva, 30 April to 14 May 1990

Mr. Ackerman, presiding
Mr. Osman
Mr. Sen

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Case No. 479: Mr. Z.

(Mr. Z. against the Secretary of the United Nations Joint Staff Pension Board (UNJSPB))
(Claim by former UNICEF staff member for rescission of decision by the Standing Committee of the UNJSPB denying him a disability benefit under the United Nations Pension Fund Regulations and Rules)
Judgement AT/DEC/493

New York, 24 October to 8 November 1989
Geneva, 1 May to 21 May 1990
New York, 18 October to 2 November 1990

Mr. Pinto, President
Mr. Osman
Mr. Sen

* * *

Case No. 487: Martorano (Martorano against the Secretary-General of the United Nations)
(Claim for compensation and specific performance by United Nations General Service staff member whose appeal that he should have been promoted to the P-2 level was deemed time-barred by the Joint Appeals Board following the 1984 competitive examination to the Professional category)
Judgement AT/DEC/475

New York, 16 October to 31 October 1989
Geneva, 24 April to 15 May 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Sen

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Case No. 491: Silveira (Silveira against the Secretary-General of the United Nations)
(Request for revision of Judgement No. 458)
Judgement AT/DEC/497

New York, 16 October to 8 November 1990

Mr. Ackerman, presiding
Mr. Kean
Mr. Voicu

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Case No. 494: Beyele (Beyele against the Secretary-General of the United Nations)
(Claim by former United Nations staff member summarily dismissed for misconduct that he should be paid a special post allowance to the P-5 level, instead of to the P-4 level, on the ground that the post he was encumbering had been reclassified to the P-5 level)
Judgement AT/DEC/472

Geneva, 25 April to 11 May 1990

Mr. Ackerman, presiding
Mr. Kean
Mr. Voicu

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Case No. 495: Lima

(Lima against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for compensation and reinstatement on the ground that he had a legal expectancy of renewal of his fixed-term appointment and that the decision not to extend his appointment was founded on a biased and unfair performance evaluation report; additional claim for damages on account of delays by the Joint Appeals Board)
Judgement AT/DEC/487

Geneva, 4 and 5 May 1990
New York, 12 October to 24 October 1990

Mr. Osman, presiding
Mr. Kean
Mr. Voicu

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Case No. 496: Amoa

(Amoa against the Secretary-General of the United Nations)
(Claims by former United Nations staff member whose fixed-term appointment was not extended, for compensation and reinstatement on the ground that he had an expectancy of continued employment with the United Nations and for damages on account of delays by the Joint Appeals Board)
Judgement AT/DEC/499

Geneva, 27 April to 17 May 1990
New York, 8 October to 8 November 1990

Mr. Pinto, President
Mr. Sen
Mr. Kean

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Case No. 497: Caine
Case No. 511: Caine

(Caine against the Secretary-General of the United Nations)
(Claim for compensation and reinstatement by former United Nations staff member summarily dismissed for misconduct; claim for damages and interest because the Secretary-General refused to certify that the Applicant had separated from the service of the Organization, and thus prevented the Applicant from receiving his withdrawal settlement from the Pension Fund)
Judgement AT/DEC/479

Geneva, 27 April to 18 May 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Forteza

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Case No. 498: Valters

(Valters against the Secretary-General of the United Nations)
(Claim for compensation by former United Nations staff member on the ground that the Secretary-General failed to protect his reputation in connection with a termination of the staff member's permanent appointment pursuant to Staff Regulation 9.1(a))
Judgement AT/DEC/476

Geneva, 25 April to 16 May 1990

Mr. Ackerman, presiding
Mr. Sen
Mr. Voicu

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Case No. 499: Omosola

(Omosola against the Secretary-General of the United Nations)
(Claim for compensation and reinstatement by former United Nations staff member dismissed for misconduct with respect to the submission of fraudulent medical claims)
Judgement AT/DEC/484

Geneva, 8 May 1990
New York, 9 October to 19 October 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Forteza

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Case No. 500: Dodd

(Dodd against the Secretary-General of the United Nations)
(Claim by former United Nations staff member against decision by the Secretary-General to deny him reimbursement of expenses incurred to attend a professional association meeting related to his field of work. Claim that the Advisory Panel on External Studies denied him the right to attend the meeting because one of the members of the Panel was biased against him)
Judgement AT/DEC/473

Geneva, 30 April to 11 May 1990

Mr. Ackerman, presiding
Mr. Kean
Mr. Forteza

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Case No. 501: Byfield

(Byfield against the Secretary-General of the United Nations)
(Claim by former United Nations Field Service Officer that his fixed-term appointment was improperly terminated for medical reasons and that he had an expectancy of continued employment with the United Nations)
Judgement AT/DEC/471

Geneva, 24 April to 11 May 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Osman

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Case No. 504: Zinna

(Zinna against the Secretary-General of the United Nations)
(Claims by United Nations staff member that his appeal should be remanded to the Joint Appeals Board for consideration on the merits and for compensation for procedural delays)
Judgement AT/DEC/498

New York, 17 October to 8 November 1990

Mr. Ackerman, presiding
Mr. Sen
Mr. Kean

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Case No. 505: Lopez

(Lopez against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for damages and reinstatement on the ground that her consultancy and other short-term appointments, successively extended by the Administration, entitled her to the status of a staff member and gave her a legal expectancy of continued employment with UNICEF)
Judgement AT/DEC/480

Geneva, 1 May to 22 May 1990

Mr. Pinto, President
Mr. Osman
Mr. Forteza

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Case No. 506: Mr. B.

(Mr. B. against the Secretary-General of the United Nations)
(Claim by former staff member of the United Nations University that he had a legal expectancy of renewal of his fixed-term appointment and that the decision not to renew his appointment was vitiated by a lack of due process and other irregularities)
Judgement AT/DEC/496

Geneva, 7 May to 9 May 1990
New York, 11 October to 8 November 1990

Mr. Osman, presiding
Mr. Sen
Mr. Voicu

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Case No. 507: Ishikawa

(Ishikawa against the Secretary-General of the United Nations)
(Claim by former Field Service staff member for reimbursement of educational expenses incurred by him for the education of his son at a "non-accredited" institution while he served at Nahariya)
Judgement AT/DEC/477

Geneva, 26 April to 18 May 1990

Mr. Pinto, President
Mr. Osman
Mr. Forteza

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Case No. 508: El Shami

(El Shami against the Secretary-General of the United Nations)
(Claim by United Nations staff member for correction of his entry level from P-2, step I to P-3 and payment of consequent within-grade-salary increments from the date of his recruitment; additional claim that he should have initially been offered a probationary and not a fixed-term contract)
Judgement AT/DEC/481

Geneva, 2 May to 23 May 1990

Mr. Osman, presiding
Mr. Kean
Mr. Forteza

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Case No. 510: Picci

(Picci against the Secretary-General of the United Nations)
(Claim by former UNDP staff member that the decision not to extend his fixed-term appointment was taken illegally, on the basis of a libellous performance evaluation report which the Joint Appeals Board failed to subject to an appropriate and thorough review)
Judgement AT/DEC/486

Geneva, 9 May 1990
New York, 15 October to 24 October 1990

Mr. Osman, presiding
Mr. Sen
Mr. Kean

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Case No. 515: Moser

(Moser against the Secretary-General of the United Nations)
(Request for revision of Judgement No. 388)
Judgement AT/DEC/488

New York, 16 October to 25 October 1990

Mr. Ackerman, presiding
Mr. Sen
Mr. Kean

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Case No. 516: Pappas

(Pappas against the Secretary-General of the United Nations)
(Claim by former UNITAR staff member that periods of her service, deemed by the Administration not to qualify for part-time or for full-time participation under the UNJSPF Regulations and Rules, and the periods of her service on leave without pay, should be credited as full-time contributory service under the UNJSPF Regulations and claim for payment of retroactive salary and allowances)
Judgement AT/DEC/500

New York, 15 October to 9 November 1990

Mr. Pinto, President
Mr. Osman
Mr. Forteza

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Case No. 517: Sundaram

(Sundaram against the Secretary-General of the International Civil Aviation Organization (ICAO))
(Claim by ICAO staff member that she is entitled to payment of a dependency allowance in respect of her retired husband on the ground that the ICAO Staff Rules discriminate against retired persons as pensions are not considered "occupational earnings")
Judgement AT/DEC/478

Geneva, 2 May to 18 May 1990

Mr. Ackerman, presiding
Mr. Forteza
Mr. Voicu

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Case No. 518: Kleckner

(Kleckner against the Secretary-General of the United Nations)
(Claim by former United Nations staff member that she was entitled to a promotion to the P-5 level)
Judgement AT/DEC/483

Geneva, 26 April to 25 May 1990

Mr. Pinto, President
Mr. Osman
Mr. Forteza

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Case No. 520: Lavalle

(Lavalle against the Secretary-General of the United Nations)
(Claim for compensation by former UNEP staff member whose permanent appointment was terminated on the grounds of abolition of post)
Judgement AT/DEC/501

New York, 18 October to 9 November 1990

Mr. Pinto, President
Mr. Osman
Mr. Forteza

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Case No. 521: Akerele

(Akerele against the Secretary-General of the United Nations)
(Claim for reinstatement and/or compensation by former United Nations staff member dismissed for misconduct with respect to the submission of fraudulent medical claims)
Judgement AT/DEC/485

Geneva, 8 May 1990
New York, 9 October to 19 October 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Forteza

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Case No. 522: Rezene

(Rezene against the Secretary-General of the United Nations)
(Claim for reinstatement and/or compensation by former UNDP staff member dismissed for misconduct with respect to transportation of personal property at the expense of the Organization in violation of the Staff Rules)
Judgement AT/DEC/494

New York, 17 October to 5 November 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Osman

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Case No. 524: Schmidt

(Schmidt against the Secretary-General of the United Nations)
(Claim by UNITAR staff member, who admitted to falsely certifying with respect to his entitlement to an education grant and whose promotion was consequently suspended, that he is entitled to promotion to the P-4 level)
Judgement AT/DEC/489

New York, 9 October to 26 October 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Osman

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Case No. 528: Silveira

(Silveira against the Secretary-General of the United Nations)
(Claim by United Nations staff member for compensation on the ground that the Secretary-General failed to assign her to a position outside the Legal Office)
Judgement AT/DEC/497

New York, 16 October to 8 November 1990

Mr. Ackerman, presiding
Mr. Kean
Mr. Voicu

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Case No. 529: Murthy

(Murthy against the Secretary-General of the United Nations)
(Claim by former ESCAP staff member that he had an expectancy of continued employment and that his fixed-term appointment was improperly not extended on disciplinary grounds that were not the subject of proper disciplinary proceedings)
Judgement AT/DEC/491

New York, 10 October to 1 November 1990

Mr. Osman, presiding
Mr. Kean
Mr. Forteza

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Case No. 536: Liu

(Liu against the Secretary-General of the United Nations)
(Claim for compensation and/or reinstatement by former United Nations staff member dismissed for misconduct in the submission of a false certification in connection with an education grant)
Judgement AT/DEC/490

New York, 12 October to 26 October 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Osman

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Cases No. 541: Qiu
No. 544: Zhou
No. 545: Yao

(Qiu, Zhou and Yao against the Secretary-General of the United Nations)
(Claim for reinstatement and/or compensation by United Nations staff members on the ground that they were entitled to career appointments, under the terms of General Assembly resolutions 37/126 and 38/232, and that the Secretary-General, in taking into account the opposition of their Government to the renewal of their appointments, failed to discharge his obligations under the Charter and those resolutions, to give them every reasonable consideration for career appointments)
Judgement AT/DEC/482

Geneva, 23 April to 25 May 1990

Mr. Pinto, President
Mr. Ackerman
Mr. Osman

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Case No. 543: Castellanos

(Castellanos against the Secretary-General of the United Nations)
(Claim by United Nations staff member that he should have been promoted to the P-5 level in connection with the 1986 Promotion Review Exercise; claim for compensation and for specific performance)
Judgement AT/DEC/495

New York, 11 October to 8 November 1990

Mr. Pinto, President
Mr. Osman
Mr. Forteza

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Case No. 548: Dauchy

(Dauchy against the Secretary-General of the United Nations)
(Claim by United Nations staff member that she should have been promoted to the D-2 level; claim for compensation and for specific performance)
Judgement AT/DEC/492

New York, 10 October to 2 November 1990

Mr. Pinto, President
Mr. Osman
Mr. Forteza

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Copies of the judgements are available at Documents Distribution.

V. SESSIONS SCHEDULED FOR 1991

6. Taking into consideration the number of cases already submitted to it, the Tribunal decided that the first ordinary session, referred to in article 6, paragraph 2, of its rules, would be held at Headquarters beginning on 11 February 1991; its second session would be held at the United Nations Office at Geneva beginning in May 1991, and its third session would be held at Headquarters during the last quarter of 1991, pursuant to articles 5.1 and 6.2 of its rules.

7. The Tribunal must reiterate even more strongly than in previous notes its concern at the mounting volume of litigation, which has already caused the Tribunal to meet for longer periods than in the past and which now requires that the Tribunal meet three times during 1991 because of the limited number of cases that the Tribunal can consider at a single session.

8. The Tribunal has asked the Secretary-General for two additional posts: one Professional post at the P-3 level, is required for an Assistant Secretary of the Tribunal and one General Service post is needed to complete the computerized index of decisions and to help in avoiding a backlog. While the Secretary-General has provided those posts to the Tribunal on a temporary basis during 1990, the Tribunal expresses the hope that these posts will now be provided on a permanent basis.